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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,487	09/05/2006	Cecilia Dazzi	DAZZI I	2984
1444 7590 04/06/2007 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,487

Applicant(s)

DAZZI, CECILIA

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005 and 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "11", which refers to the concave side surfaces of the recesses 5 and the secondary body 4 (as described on page 6, lines 13-15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 25 is objected to because of the following informalities: In line 2: The term "annual" should be changed to --annular--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 5,037,436 to Heaston (note especially Figures 9 & 10 and column 4, lines 31-44 & 50-52)..

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-21 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Des. Pat. No. 220,823 to Howe et al. As concerns claim 19, Howe et al. '823 show the claimed limitations of a pillow comprising a main body having a central opening and a resting surface (as shown in Figures 1 & 6) and a pillow secondary body of elongated shape located transversely to the opening of the main body thereby defining recesses (also as shown in Figures 1 & 6). However, Howe et al. '823 do not specifically disclose a condition wherein the pillow is substantially oval and annular. The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Howe et al. '823 with a substantially oval annular

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outline since such a modification would have generally been considered as being within the level of ordinary skill in the art.

With regards to claims 20, 21, 30 and 31, the examiner respectfully asserts that the pillow of Howe et al. '823 is inherently capable of being positioned such that the resting surface is raised at the chest diaphragm of a user with respect to the resting surface at the user's neck zone wherein the main body has a thickness at the user's diaphragm and at its side portions that is greater with respect to the thickness at the user's neck zone due to the wedge-shaped cross section of the pillow as shown in Figures 3 & 6. As concerns claims 29 and 32, Howe et al. '823 clearly show conditions wherein the pillow secondary body with the pillow main body forms a homogeneous resting surface and wherein the recesses determined by the pillow main body and secondary body internally have concave side surfaces in Figures 1, 3, 6 & 7.

7. Claims 22, 27 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. '823 in view of U.S. Pat. No. 5,095,569 to Glenn. Howe et al. '823 do not specifically disclose a condition wherein the main body is deformable; furthermore, Howe et al. '823 do not disclose the use of a structural element for keeping the shape of the pillow and a substantially anallergic, transpiring and natural fiber-based fabric such as cotton covering the main body and secondary body. Glenn '569 provides the basic teaching of a support pillow (16) formed from foam (as described in column 3, lines 45-47) and including securing straps (34-37) fastened about the body of the pillow and a cotton fabric cover sheet (10). The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Howe et al. '823 with a deformable main body in order to provide enhanced user comfort; the skilled

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artisan would have also found it obvious at the time the invention was made to provide the pillow of Howe et al. '823 with a structural element for keeping the shape of the pillow and a cotton fabric covering the main body and secondary body in order to ensure further proper support for the user and to "protect the pillow and provide selective comfort to the user" (see Glenn '569, column 1, lines 50-53).

8. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. '823 in view of Glenn '569, and further in view of U.S. Pat. No. 3,941,418 to Bernard. Howe et al. '823, as modified by Glenn '569, do not specifically disclose a condition wherein the structural element has a rigidity greater than the main body and consists of a rope-shaped or tubular annular core internal to the pillow main body and located in a substantially central location of the main body. Bernard '418 provides the basic teaching of a support pillow (16) comprising a structural element (10) having a rigidity greater than the main body of the pillow (as described in column 2, lines 12-19) and consisting of a rope-shaped or tubular annular core internal to the pillow main body and located in a substantially central location of the main body (as shown in Figures 1, 3a & 3b). The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Howe et al. '823, as modified by Glenn '569, with a structural element having a rigidity greater than the main body and consisting of a rope-shaped or tubular annular core internal to the pillow main body and located in a substantially central location of the main body in order to provide a simple and economical means for imparting additional firmness to the pillow as desired.

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9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. '823 in view of Glenn '569 and Bernard '418, and further in view of U.S. Pat. No. 3,051,601 to Schick. Howe et al. '823, as modified by Glenn '569 and as further modified by Bernard '418, do not specifically disclose a condition wherein the structural element comprises a layer of greater rigidity located at the base portion of the main body. Schick '601 provides the basic teaching of a support pillow (1) provided with a main body (2) and layer of greater rigidity (3) attached to the base portion of the main body. The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Howe et al. '823, as modified by Glenn '569 and as further modified by Bernard '418, with a structural element comprising a layer of greater rigidity located at the base portion of the main body in order to impart additional strength and resiliency to the pillow, thereby also helping to provide enhanced user comfort and support (see Schick et al. '601, column 1, lines 53-54).

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al. '823 in view of Schick '601. Howe et al. '823 do not specifically disclose a condition wherein the elasticity and softness of the pillow main body decreases from the chest resting surface to the base portion. Schick '601 provides the basic teaching of a support pillow (1) comprising a main body (2, 3) having an elasticity and softness that decreases from the top surface to the base portion thereof (see Figures 1 & 2; column 1, lines 64-65; and column 2, lines 1-7). The skilled artisan would have found it obvious at the time the invention was made to provide the pillow of Howe et al. '823 with a pillow main body having an elasticity and softness that decreases from the chest resting surface to the base portion in order to provide a pillow structure "having a good

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balance of desirable properties, such as resistance to humidity aging, load carrying capacity, strength and resiliency" (see Schick '601, column 1, lines 50-54).

Conclusion

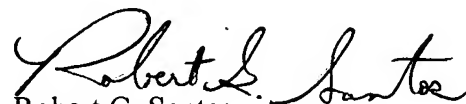
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riach '778, Lombert '381, Smith '378, Wetzler et al. '988, Britto et al. '681, Burington '679, Spencer '007, Nichols '788, Heitz '860, McCarty '909, Glenn '542, McLeod '734, Blosser '384, McLeod '594, McLeod '647, Regan '957, Abitbol '793, Rhoads '335, Regan '258, Upton '274, Witchel '224, Woodward et al. '969, Hull '766, Scholl '838, Schenker '084, Gordon '427, Wilson '698 and Milam '728.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
March 29, 2007